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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,197	07/28/2000	Hikaru Wako	9333-241	3148

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BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, IL 60611

EXAMINER

MANCHO, RONNIE M

ART UNIT	PAPER NUMBER
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3663

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/626,197

Applicant(s)

WAKO, HIKARU

Examiner

Ronnie Mancho

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-15, 17-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan et al (6401034).

Regarding claim 1, Kaplan et al (fig. 3, col. 9, lines 54+) disclose a method of displaying a POI icon at the location point of a POI on a map displayed by a navigation system, comprising:

defining a plurality of POI categories (fig. 6);

storing a location point and a type of POI for every POI in each category (col. 3, lines 34-58);

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displaying the POIs in each category on the map by a common POI icon (figs. 15&16; col. 11, lines 7-67; fig. 3, col. 9, lines 54+), wherein the POI icons for different POI categories are visually distinct (figs. 5-9); and

displaying the type of POI when a POI icon is selected (figs. 3&16; col. 7, lines 47-67).

Regarding claim 2, Kaplan et al (fig. 3, col. 9, lines 54+) disclose the method according to claim 1, wherein said POI category is restaurants (col. 3, lines 54-58) and said type of POI is type of food classified by country (fig. 9, col. 7, lines 60-67).

Regarding claim 3, Kaplan et al (fig. 3, col. 9, lines 54+) disclose the method according to claim 1, wherein the map is scrolled by an operation for moving a cursor 132, 136 (figs. 16, 4, 8, 9, etc; col. 6, lines 50-to col. 7, lines 108, also see “press back” icon or “press forward” icon) and the POI icon corresponding to a POI is selected (fig. 16, col. 11, lines 14-33; col. 12, lines 16-30) by said cursor 132, 136.

Regarding claim 4, Kaplan et al disclose the method according to claim 3, further comprising:

storing a POI name for each POI (col. 3, lines 40-58; fig. 8, col. 7, lines 47-59);

displaying POI names of a plurality of POI icons which are overlapped by the cursor (figs. 8, 3, 16; col. 7, lines 47-67); and

selecting the POI icon corresponding to a desired POI by selecting the POI name of said POI among said plurality of POI names (fig. 8; col. 7, lines 47-59).

Regarding claim 5, Kaplan et al disclose the method according to claim 1, wherein a destination is set after selecting the POI icon, thereby searching a route to the POI corresponding to said POI icon (fig. 3, col. 5, lines 55-67; col. 9, lines 54 to col. 10, lines 1-24).

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Regarding claim 6, Kaplan et al disclose a method of displaying a POI icon at the location point of a POI on a map, displayed by a navigation system, comprising:

defining a plurality of POI categories (fig. 6);

storing a location point and a type of POI for every POI in each category (col. 3, lines 40-58);

presetting the type of POI in a selected POI category (col. 3, lines 40-58; fig. 8, col. 7, lines 47-67);

displaying the POIs of said preset type of POI on the map by a common POI icon (figs. 15&16; col. 11, lines 7-67; fig. 3, col. 9, lines 54+), wherein the POI icons for different categories are visually distinct (figs. 5-9); and

displaying the type of POI when a POI icon is selected (figs. 3&16; col. 7, lines 47-67).

Regarding claim 7, Kaplan et al disclose the method according to claim 6, wherein one POI category is restaurants and said type of POI is type of food classified by country (figs 7-9; col. 7, lines 35 to col. 8, lines 1-14).

Regarding claim 8, Kaplan et al disclose the method according to claim 6, wherein the map is scrolled by an operation for moving a cursor and the POI icon corresponding to a POI is selected by said cursor (fig. 8; col. 7, lines 47-59).

Regarding claim 9, Kaplan et al disclose the method according to claim 8, further comprising:

storing a POI name for each POI (col. 3, lines 40-58; fig. 8, col. 7, lines 47-67);

displaying POI names of a plurality of POI icons which are overlapped by the cursor (fig. 8, col. 7, lines 47-67);; and

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selecting the POI icon corresponding to a desired POI by selecting the POI name of said POI among said plurality of POI names (fig. 8, col. 7, lines 47-67);

Regarding claim 10, Kaplan et al disclose the method according to claim 6, wherein a destination is set after selecting the POI icon, thereby searching a route to the POI corresponding to said POI icon (col. 9, lines 54 to col. 10, lines 1-29; col. 12, lines 16-24).

Regarding claim 11, Kaplan et al disclose a method of displaying a POI icon at the location point of a POI on a map, displayed by a navigation system, comprising:

moving a cursor relative to the displayed map, the cursor indicating a predetermined area and a cursor instructing point (figs. 5-9, 16);

displaying an index including a POI name (figs. 3-9, 16; col. 7, lines 35-67) of at least one POI icon selected by the cursor and a location corresponding to the cursor instructing point (fig. 16, col. 11, lines 64 to col. 12, lines 1-4); and

selecting a POI name or the location corresponding to the cursor instructing point from the index (fig. 16, col. 11, lines 64 to col. 12, lines 1-4).

Regarding claim 12, Kaplan et al disclose the method according to claim 11, further comprising:

storing a type of food for every restaurant (col. 3, lines 40-58; figs. 8&9, col. 7, lines 47-67); and

displaying the type of food in a restaurant, when selecting the POI name corresponding to said restaurant (figs. 8&9, col. 7, lines 47-67; i.e. a display of Pizza Hut implies the food type is Pizza, etc).

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Regarding claim 13, Kaplan et al disclose the method according to claim 12, wherein said type of food is classified by country (American, Chinese, etc, fig. 9).

Regarding claim 14, Kaplan et al disclose the method according to claim 11, wherein the location corresponding the cursor instructing point is selected and, thereafter, said location is set as a destination, thereby searching a route to said location (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 15, Kaplan et al disclose the method according to claim 11, wherein a POI name is selected and, thereafter, a destination is set, thereby searching a route to the facility corresponding to said POI (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 17, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at the location point of a POI on a map, comprising:

means for storing a location point and a type of POI for every POI in each of a plurality of POI categories (col. 3, lines 34-58; figs. 8&9, col. 7, lines 47-67);

means for displaying the POIs in each category on the map by a common POI icon (figs. 7-9, col. 7, lines 47-67), wherein the POI icons for different POI categories are visually distinct (figs. 5-9);

means for selecting a POI icon (figs. 7-9, col. 7, lines 47-67); and

means for displaying the type of POI, when a POI icon is selected (figs. 7-9, col. 7, lines 47-67).

Regarding claim 18, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at a displayed location point of a POI on a map, comprising:



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means for storing a location point and a type of POI for every POI in each of a plurality of POI categories (col. 3, lines 34-58; figs. 7-9, col. 7, lines 47-67);

means for presetting the type of POI in a selected POI category (figs. 7-9, col. 7, lines 47-67);

means for displaying the POIs of said preset type of POI on the map by a common POI icon (figs. 7-9, col. 7, lines 47-67), wherein the POI icons for different POI categories are visually distinct (figs. 5-9);

means for selecting a POI icon (figs. 7-9, col. 7, lines 47-67); and

means for displaying the type of POI, when a POI icon is selected (col. 3, lines 40-58; figs. 8&9, col. 7, lines 47-67);

Regarding claim 19, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at a displayed location point of a POI on a map, comprising:

means for moving a cursor 268 relative to the displayed map (fig. 16; col. 11, lines 64 to col. 12, lines 1-4), the cursor 268 indicating a predetermined area and a cursor instructing point;

means for displaying (fig. 16) an index including a POI name of at least one POI icon selected by the cursor and a location corresponding to the cursor instructing point; and

means for selecting a POI name or the location corresponding to the cursor instructing point from the index (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; figs. 3-9, 16; col. 7, lines 35-67).

***Allowable Subject Matter***

3. Claim 16 is allowed.

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4. The following is an examiner's statement of reasons for allowance:

In claim 16, the prior art does not disclose the limitation "displaying only one POI icon and deleting the other POI icons, when a plurality of the same POI icons are included within said predetermined area indicated by cursor".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Response to Arguments***

5. Applicant's arguments filed 4-23-03 have been fully considered but they are not all persuasive for the following reasons:

The applicant traverses the rejection on the grounds that "Kaplan does not provide icons for different POI categories as does the applicant's invention." In response, the examiner respectfully disagrees. In Kaplan, figs. 5-9 without explanation provide icons for different POI categories as claimed. That is, fig. 5, an icon representing a POI category is highlighted, then in fig. 6, icons for different POI categories (e.g. gas stations, hotels, museums, restaurants, etc) are presented. The user selects one of the categories e.g. restaurants, which has been highlighted. Then in fig. 7, the restaurant icon is broken down into different categories of restaurants representing the user's POI.

Therefore, the prior art anticipates the disputed limitation above.

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Next, the applicant argues that Kaplan does not even disclose a cursor. The examiner encourages the applicant to read the Kaplan disclosure carefully, wherein a selection cursor 268 is disclosed which moves relative to the map of fig. 16; Kaplan, col. 11, lines 64-67.

Therefore, Kaplan anticipates the limitation disputed.

Claim 16, has overcome the prior art since the prior art does not disclose deletion of a POI icon from a plurality of POI icons in an area on a map selected by the cursor.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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*Communication*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho  
Examiner  
Art Unit 3663

July 11, 2003

  
THOMAS G. BLACK  
SUPERVISORY PATENT EXAMINER  
GROUP 3600